

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Elise Ashby (Arrington),  
Plaintiff,  
vs.  
Arthur Cooksey, AFC3 Holdings, LLC,  
Defendants.

Case No.: 7:20-cv-03662-BHH-JDA

## OPINION & ORDER

This matter is before the Court with the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin (“Report and Recommendation”), made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2) of the District of South Carolina.<sup>1</sup> Elise Ashby (“Ashby” or “Plaintiff”), proceeding *pro se*, seeks damages based on allegations of slander and libel.

Defendants filed a Motion to Strike Plaintiff's Complaint on October 26, 2020. (DE 11.) Defendant AFC3 Holdings, LLC ("AFC3") also filed a Motion to Dismiss on October 26, 2020. (DE 12.) Plaintiff filed responses in opposition to both motions on November 9, 2020. (DE 16, 17.) On November 9, 2020, Plaintiff also filed an Amended Complaint. (DE 19.) On November 13, 2020, Plaintiff filed a Second Amended Complaint. (DE 23.) The Report and Recommendation was issued on December 9, 2020, recommending that the Defendants' motion to strike and AFC3's motion to dismiss be found as moot because both motions were directed at

The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

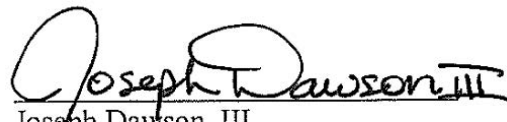
the original Complaint, which was subsequently superseded by Plaintiff's Amended Complaint and then by Plaintiff's Second Amended Complaint that remedied the alleged defects. (DE 32.)

Defendants filed no objections to the Report and Recommendation. In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The Court must "only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

Upon review, of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference.

It is, therefore, **ORDERED** that Defendants' Motion to Strike the Complaint and Defendant's AFC3's Motion to Dismiss are denied as moot.

**IT IS SO ORDERED.**

  
Joseph Dawson, III  
United States District Judge

April 14, 2021  
Greenville, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

Plaintiff is hereby notified that she has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.